

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>BRIAN A. RUNION,</b>	)	
	)	
<b>Petitioner/Defendant,</b>	)	
	)	<b>CIVIL NO. 08-cv-358-MJR</b>
<b>vs.</b>	)	
	)	<b>CRIMINAL NO. 06-cr-40027</b>
<b>UNITED STATES of AMERICA ,</b>	)	
	)	
<b>Respondent/Plaintiff.</b>	)	

**MEMORANDUM AND ORDER**

**GILBERT, District Judge:**

This matter is before the Court on Petitioner's motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255.

On December 21, 2006, Petitioner pleaded guilty to being a felon in possession of a firearm. On April 3, 2007, Petitioner was sentenced to 180 months imprisonment.

In his original motion, Petitioner raises one ground for relief: that he was sentenced as an Armed Career Offender based on several previous drunk driving convictions and, because of the United States Supreme Court's decision in *Begay v. United States*, 553 U.S. \_\_\_, 126 S. Ct. 1581 (2008), the enhanced sentence is improper.

The Court **ORDERS** the Government to file a response to Petitioner's motion (and amendment thereto) within **THIRTY (30) DAYS** of the date of this Order. The Government shall, as part of its response, attach all relevant portions of the record.

**IT IS SO ORDERED.**

**Dated: July 16, 2009.**

s/ J. Phil Gilbert  
**U. S. District Judge**